

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND (NORTHERN DIVISION)**

BUSINESS LENDERS, LLC

*

PLAINTIFF,

*

v.

*

CASE No.: L 02 CV 2092

DAMON Z. BELLAMY-BEY *et al.*

*

DEFENDANTS.

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* * * * *

MOTION TO RE-SELL PROPERTY

Jeremy S. Friedberg and Andrew L. Cole, Substitute Trustees ("Trustees"), pursuant to Maryland Rule 14-305(g), hereby request that the court order them to re-sell real property known as 1817 Laurens Street (the "Premises"), and state as follows:

1. Trustees first advertised the Premises for sale on August 6, 2002 (the "First Sale Date").

2. Due to actions by the record owner of the Premises, the sale was delayed until October 31, 2002.

3. Trustees offered the Premises for sale on October 31, 2002 (the "Second Sale Date"), pursuant to the terms of a deed of trust regarding the Premises.

4. After the Trustees advertised the First Sale Date and prior to the Second Sale Date, the Internal Revenue Service filed a notice of federal tax lien against the Premises.

5. Business Lenders, LLC ("Purchaser"), who is also the foreclosing lienholder, was the successful bidder at the foreclosure held on October 31, 2002 and reported by Sellers to the Court on November 4, 2002 (the "Foreclosure Sale").

6. This Court ratified the Foreclosure Sale on January 9, 2004.

7. The Trustees did not learn of the federal tax lien until after ratification of the sale.

8. Purchaser refuses to close on the property subject to the federal tax lien.

9. Maryland Rule 14-305(g) provides that in the event of a purchaser's default, Court may order a resale of the Premises at the risk and expense of the purchaser or may take any other appropriate action.

10. The Trustees submit that no third parties interests will be adversely affected by a resale of the Premises, and therefore request that the Court order the Premises re-sold pursuant to Maryland Rule 14-201 *et seq.*

11. The Purchaser consents to the relief sought herein.

WHEREFORE, Jeremy S. Friedberg and Andrew L. Cole, Substitute Trustees respectfully request that this Court:

- a. Enter an Order pursuant to Md. Rule 14-305(g) directing the Trustees to re-notice and re-sell the Premises at public auction pursuant to Maryland Rules 14-201 *et seq.*; and
- b. Grant such other and further relief as is proper under the circumstances.

/s/ Jeremy S. Friedberg
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